Nevada Division of Environmental Protection

FACT SHEET (pursuant to NAC 445A.236)

Permit Name:

General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems

Permit Number: NVS040000.

Location:

This permit will immediately effect all or portions of the following areas:

- Carson City
- Douglas County
- Lyon County
- City of Elko
- Nellis AFB
- Nevada Department of Transportation (Within in any regulated Municipal Separate Storm Sewer Systems).

Background:

Polluted storm water runoff is often transported to municipal separate storm sewer systems (MS4s) and ultimately discharged into local rivers and streams without treatment. EPA's Storm Water Phase II Rule establishes an MS4 storm water management program that is intended to improve the Nation's waterways by reducing the quantity of pollutants that storm water picks up and carries into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways through MS4 discharges, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife. In 1990, EPA promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) storm water program. The Phase I program for MS4s requires operators of "medium" and "large" MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a storm water management program as a means to control polluted discharges from these MS4s. The Storm Water Phase II Rule extends coverage of the NPDES storm water program to certain "small" MS4s but takes a slightly different approach on how the storm water management program is developed and implemented.

A small MS4 is any MS4 not already covered by the Phase I program as a medium or large MS4. A small MS4 can be designated by the permitting authority as a *regulated* small MS4 in one of three ways:

1. **Automatic Nationwide Designation**

   The Phase II Final Rule requires nationwide coverage of all operators of small MS4s that are located within the boundaries of a Bureau of the Census-defined "urbanized area" (UA) based on the latest decennial Census. Once a small MS4 is designated into the program based on the UA boundaries, it cannot be waived from the program if in a subsequent UA calculation the small MS4 is no longer within the UA boundaries. An automatically designated small MS4 remains regulated unless, or until, it meets the criteria for a waiver.

2. **Potential Designation by the NPDES Permitting Authority – Required Evaluation**

   An operator of a small MS4 located outside of a UA may be designated as a regulated small MS4 if the NPDES permitting authority determines that its discharges cause, or have the potential to cause, an adverse impact on water quality. The Phase II Final Rule requires the NPDES permitting authority to develop a set of designation criteria and apply them, *at a minimum*, to all small MS4s located outside of a UA serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000-people/square mile.

3. **Potential Designation by the NPDES Permitting Authority – Physically Interconnected**

   Under the final rule, the NPDES permitting authority is required to designate any small MS4 located outside of a UA that contributes substantially to the pollutant loadings of a *physically interconnected* MS4 regulated by the NPDES storm water program. The final rule does not set a deadline for designation of small MS4s meeting this criterion.

Operators of regulated small MS4s are required to design their programs to:

- Reduce the discharge of pollutants to the "maximum extent practicable" (MEP);
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act.

Implementation of the MEP standard will typically require the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the six minimum control measures. The Phase II Rule defines a small MS4 storm water management program as a program comprising six elements that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving waterbodies.

The six MS4 program elements, termed "minimum control measures," are outlined below.

1. Public Education and Outreach- Distributing educational materials and performing outreach to inform citizens about the impacts polluted storm water runoff discharges can have on water quality.

2. Public Participation/Involvement - Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a storm water management panel.

3. Illicit Discharge Detection and Elimination - Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

4. Construction Site Runoff Control - Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land (controls could include silt fences and temporary storm water detention ponds).

5. Post-Construction Runoff Control - Developing, implementing, and enforcing a program to address discharges of post-construction storm water runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs such as grassed swales or porous pavement.

6. Pollution Prevention/Good Housekeeping - Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal

staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

The Phase II program for MS4s is designed to accommodate a general permit approach using a Notice of Intent (NOI) as the permit application. The operator of a regulated small MS4 must include in its permit application, or NOI, its chosen BMPs and measurable goals for each minimum control measure. To help permittees identify the most appropriate BMPs for their programs, EPA will issue a "menu," of BMPs to serve as guidance. NPDES permitting authorities can modify the EPA menu or develop their own lists.

The rule identifies a number of implementation options for regulated small MS4 operators. These include sharing responsibility for program development with a nearby regulated small MS4, taking advantage of existing local or State programs, or participating in the implementation of an existing Phase I MS4's storm water program as a co-permittee. These options are intended to promote a regional approach to storm water management coordinated on a watershed basis.

Permittees need to evaluate the effectiveness of their chosen BMPs to determine whether the BMPs are reducing the discharge of pollutants from their systems to the "maximum extent practicable" and to determine if the BMP mix is satisfying the water quality requirements of the Clean Water Act. Permittees also are required to assess their progress in achieving their program's measurable goals. While monitoring is not required under the rule, the NPDES permitting authority has the discretion to require monitoring if deemed necessary. If there is an indication of a need for improved controls, permittees can revise their mix of BMPs to create a more effective program.

Projected Impact:

Six entities that will be initially impacted by the Small MS4 General Permit include all or portions of the following areas:

1. ***Carson City*** – Automatic designation by EPA through Bureau of the Census UA designation.
2. ***Lyon County*** - Automatic designation by EPA through Bureau of the Census UA designation.
3. ***Douglas County*** - Automatic designation by EPA through Bureau of the Census UA designation.
4. ***Nellis AFB*** - Automatic designation by EPA through Bureau of the Census UA designation.
5. ***Nevada Department of Transportation*** - Automatic designation by EPA through Bureau of the Census UA designation.
6. ***City of Elko*** - An operator of a small MS4 located outside of a UA maybe designated as a regulated small MS4 if the NPDES permitting authority determines that its discharges cause, or have the potential to cause, an adverse impact on water quality. The Phase II Final Rule requires the NPDES permitting authority to develop a set of designation criteria and apply them to all small MS4s located outside of a UA serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000-people/square mile. NDEP has determined that the City of Elko will require coverage under this general permit because its discharges have the potential to cause an adverse impact on the Humbolt River water quality.

Hospitals, prisons, universities, and other facilities that exist in Nevada's regulated MS4 areas that are operators of "small municipal separate storm sewer systems" may be required to obtain coverage under this Small MS4 General permit.

Receiving Water Characteristics:

Variable depending on location

Permit Requirements:

This permit is in response to requirements of the Federal Clean Water Act and implementing federal regulations,

and is based on Best Management Practices (BMPs)

Rationale for Permit Requirements:

The conditions set in permit language are the minimum requirements to maintain and implement an effective stormwater program within the confines of U. S. EPA published rules (Title 40 of the Code of Federal Regulations Part 122) for use in storm water permits.

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